

## REMARKS

Claims 1-25 are pending in the application. Claims 1-21 are drawn to an apparatus and claims 22-25 are drawn to a method of using the claimed apparatus. Two embodiments of the apparatus are disclosed.

The Examiner believes that the method and apparatus are distinct because the method does not require the specifics of the apparatus and can be practiced using a generic retractor. It is respectfully submitted that method claim 22 specifically recites all of the specifics of apparatus claim 1. The table below compares the claims.

1. A surgical retractor for use within a body cavity, comprising:	22. A method for retracting tissue during surgery, said method comprising:
a) <i>an elongate swivel</i> having a first end and a second end;	a) introducing <i>an elongate swivel</i> into a body cavity and through the tissue to be retracted,
b) <i>a first length of string extending from said first end of said swivel;</i>	the swivel having <i>a first length of string coupled to one end and</i>
c) <i>a second length of string extending from a point substantially midway between said first end and said second end,</i>	<i>a second length of string coupled to a point substantially midway between its ends; and</i>
said first and second lengths of string having sufficient length such that either may be pulled from outside the body cavity, such that	
<i>pulling on said second length of string causes said swivel to be oriented substantially perpendicular to said second length of string, and</i>	b) <i>pulling on the second length of string from outside the body cavity until the tissue is retracted.</i>
pulling on said first length of string causes said swivel to be oriented substantially coaxial to said first length of string.	

It should be easily recognized that the method of claim 22 requires substantially all of the apparatus claimed in claim 1. For that reason, it is submitted that the inventions are not distinct as explained by the Examiner.

As for the species of apparatus (the two embodiments), it is believed that claims 1-3, 6, 7, 20 and 21 are generic and that all of the apparatus claims except for claim 9 read on the first embodiment.

In light of all of the above, it is submitted that all of the claims are in order for examination on the merits, and prompt examination is earnestly requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,



David S. Jacobson  
Reg. No. 39,235  
Attorney for Applicant(s)

GORDON & JACOBSON, P.C.  
65 Woods End Road  
Stamford, CT 06905  
voice: (203) 329-1160  
fax: (203) 329-1180  
email: davidj@gordonjacobson.com

December 29, 2004